



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1726/2
MGG&EVM:kjf:rs

3
RMK

D-N

CM 7-9

2009 BILL

Regen

1 AN ACT *to amend* 23.33 (5) (a), 23.33 (8) (e), 285.30 (5) (c), 346.94 (1), 346.95 (8),
2 347.09 (1) (b), 347.13 (1), 347.14 (1), 347.35 (1) and 347.40 (1); and *to create*
3 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr), 23.33 (4) (f), 285.30 (5) (L), 340.01
4 (58m), 346.02 (13), 346.94 (21), 347.02 (1) (j), 347.25 (6) and 347.39 (1m) of the
5 statutes; **relating to:** operation of all-terrain vehicles to remove snow and the
6 operation of snow removal devices on roadways and providing a penalty.

Analysis by the Legislative Reference Bureau

or should be

X This bill allows the operation of a snow removal device on a roadway during the period beginning on October 1 and ending on April 30 of each year for purposes of snow removal or to travel to or from a site where snow removal will occur or has occurred, provided that the device is operated as close as practicable to the right-hand edge or curb of the unobstructed roadway. "Snow removal device" is defined to mean a motor vehicle equipped with an attachment designed and installed for the purpose of removing snow and having a seat for the operator. A qualifying attachment may be a plow blade, blower, bucket, or brush. The definition of "snow removal device" does not include snowplows operated by highway maintenance authorities. Snow removal devices operated upon a highway must be equipped with at least one headlamp, a red rear light, a brake light, brakes, a 360-degree flashing or rotating amber or yellow light visible from any direction, and a sufficient muffler.

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways only in limited circumstances. These include roadways that

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have been designated as ATV routes or trails and roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway or sidewalk from October 1 through April 30 for the purpose of removing snow if the ATV has certain lighting equipment and if operation on the roadway or sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes speed limits on the ATV's operation depending on its proximity to a dwelling and whether it is on a sidewalk or roadway.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (1) (jq) of the statutes is created to read:

23.33 (1) (jq) "Snow removal device" means an attachment designed and installed for the purpose of removing snow. An attachment under this paragraph may be a plow blade, blower, bucket, or brush.

SECTION 2. 23.33 (3) (hg) of the statutes is created to read:

23.33 (3) (hg) At a speed exceeding 15 miles an hour when it has a snow removal device attached and when it is more than 150 feet of a dwelling.

SECTION 3. 23.33 (3) (hr) of the statutes is created to read:

23.33 (3) (hr) At a speed exceeding 5 miles an hour when it has a snow removal device attached if it is being operated on a sidewalk, driveway, or apron, regardless

of its proximity to a dwelling, ^{on} if it is being operated on a sidewalk, on an apron, or a driveway of property not owned or leased by the owner of the all-terrain vehicle.

SECTION 4. 23.33 (4) (f) of the statutes is created to read:

23.33 (4) (f) Operation with snow removal device attached. A person may

operate an all-terrain vehicle with a snow removal device attached on a roadway or sidewalk, during the period beginning on October 1 and ending on April 30 of each

owner of the all-terrain vehicle

on a
roadway

or shoulder

BILL

1 year for the purpose of removing snow if the all-terrain vehicle has an illuminated
2 amber or yellow rotating or flashing light and if its operation on the roadway is
3 necessary to travel to or from a site where the snow removal device will be used. The
4 travel necessary to or from the site may not exceed 2 miles. Operation of such an
5 all-terrain vehicle is authorized only for the extreme right side of the roadway except
6 that left turns may be made from any part of the roadway where it is safe to do so
7 given prevailing conditions.

8 **SECTION 5.** 23.33 (5) (a) of the statutes is amended to read:

9 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
10 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
11 agricultural purpose and he or she is under the supervision of a person over 18 years
12 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
13 vehicle trail designated by the department and he or she is accompanied by his or her
14 parent. No person who is under 12 years of age may operate an all-terrain vehicle
15 which is an implement of husbandry on a roadway under any circumstances. No
16 person who is under 12 years of age may operate an all-terrain vehicle ~~on a roadway~~
17 under the authorization provided under sub. (4) (d) 6. or (f) under any circumstances.
18 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
19 purposes of this paragraph, supervision does not require that the person under 12
20 years of age be subject to continuous direction or control by the person over 18 years
21 of age.

22 **SECTION 6.** 23.33 (8) (e) of the statutes is amended to read:

23 23.33 (8) (e) *Signs.* The department, in cooperation with the department of
24 transportation, shall establish uniform all-terrain vehicle route and trail signs and
25 standards. The standards may not require that any additional signs be placed on

BILL**SECTION 6**

1 all-terrain vehicle routes concerning the operation of all-terrain vehicles with
2 snowplows attached.

3 **SECTION 7.** 285.30 (5) (c) of the statutes is amended to read:

4 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
5 that a motor vehicle owned by the United States is not exempt unless it comes under
6 par. (a), (b), (d), (e), (f), (g), (h), (j), ~~or (k), or (L).~~

7 **SECTION 8.** 285.30 (5) (L) of the statutes is created to read:

8 285.30 (5) (L) A snow removal device, as defined in s. 340.01 (58m).

9 **SECTION 9.** 340.01 (58m) of the statutes is created to read:

10 340.01 (58m) "Snow removal device" means a motor vehicle, other than an
11 all-terrain vehicle, that is equipped with an attachment designed and installed for
12 the purpose of removing snow and having a seat for the operator. An attachment
13 under this subsection may be a plow blade, blower, bucket, or brush. Snow removal
14 device does not include a snowplow, as defined in s. 346.915 (1).

15 **SECTION 10.** 346.02 (13) of the statutes is created to read:

16 346.02 (13) APPLICABILITY TO SNOW REMOVAL DEVICES. The operator of a snow
17 removal device on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),
18 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
19 346.40, 346.44, 346.46, 346.47, 346.48, 346.51, 346.52, 346.53, 346.54, 346.55,
20 346.57, 346.62, 346.63, 346.67, 346.68, 346.69, 346.70, 346.71, 346.87, 346.88,
21 346.89, 346.90, 346.91, 346.915, 346.92, 346.93, 346.935, and 346.94 (1), (9), (11), and
22 (20).

23 **SECTION 11.** 346.94 (1) of the statutes is amended to read:

24 346.94 (1) DRIVING ON SIDEWALK. The Except as provided in s. 23.33 (4) (f) or
25 when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the

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operator of a vehicle shall not drive upon any sidewalk area except at a permanent or temporarily established driveway unless permitted to do so by the local authorities.

or shoulder of a roadway

SECTION 12. 346.94 (21) of the statutes is created to read:

346.94 (21) SNOW REMOVAL DEVICES ON ROADWAY. (a) A person may operate a snow removal device upon any roadway during the period beginning on October 1 and ending on April 30 of each year if the device is being used for snow removal operations or to travel to or from a site where snow removal operations will occur or have occurred.

(b) Any person operating a snow removal device upon any roadway shall operate as close as practicable to the right-hand edge or curb of the unobstructed roadway.

SECTION 13. 346.95 (8) of the statutes is amended to read:

346.95 (8) Any person violating s. 346.94 (19) or (21) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 14. 347.02 (1) (j) of the statutes is created to read:

347.02 (1) (j) Snow removal devices.

visible

SECTION 15. 347.09 (1) (b) of the statutes is amended to read:

347.09 (1) (b) Every moped ~~or~~, Type 1 motorcycle, or snow removal device shall be equipped with at least one and not more than 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.10.

SECTION 16. 347.13 (1) of the statutes is amended to read:

347.13 (1) No person shall may operate a motor vehicle, mobile home ~~or~~, trailer or semitrailer, or snow removal device upon a highway during hours of darkness unless ~~such~~ the motor vehicle, mobile home ~~or~~, trailer or semitrailer, or snow removal

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1 device is equipped with at least one tail lamp mounted on the rear which, when
2 lighted during hours of darkness, emits a red light plainly visible from a distance of
3 500 feet to the rear. No tail lamp ~~shall~~ may have any type of decorative covering that
4 restricts the amount of light emitted when the tail lamp is in use. No vehicle
5 originally equipped at the time of manufacture and sale with 2 tail lamps ~~shall~~ may
6 be operated upon a highway during hours of darkness unless both ~~such~~ lamps are in
7 good working order. This subsection does not apply to any type of decorative covering
8 originally equipped on the vehicle at the time of manufacture and sale.

9 **SECTION 17.** 347.14 (1) of the statutes is amended to read:

10 347.14 (1) No person ~~shall~~ may operate a motor vehicle, mobile home ~~or~~, trailer
11 or semitrailer, or snow removal device upon a highway unless ~~such~~ the motor vehicle,
12 mobile home ~~or~~, trailer or semitrailer, or snow removal device is equipped with at
13 least one stop lamp mounted on the rear and meeting the specifications set forth in
14 this section. The stop lamp on a mobile home or trailer or semitrailer shall be
15 controlled and operated from the driver's seat of the propelling vehicle. A stop lamp
16 may be incorporated with a tail lamp. No vehicle originally equipped at the time of
17 manufacture and sale with 2 stop lamps ~~shall~~ may be operated upon a highway
18 unless both ~~such~~ lamps are in good working order.

19 **SECTION 18.** 347.25 (6) of the statutes is created to read:

20 347.25 (6) No person may operate a snow removal device on a highway unless
21 the device is equipped with a 360-degree flashing or rotating amber or yellow light
22 that is visible from any direction.

23 **SECTION 19.** 347.35 (1) of the statutes is amended to read:

24 347.35 (1) **MOTOR VEHICLES.** No person ~~shall~~ may operate any motor vehicle,
25 other than a moped or motorcycle, upon a highway unless ~~such~~ the motor vehicle is

BILL

1 equipped with brakes adequate to control the movement of and to stop and hold ~~such~~
2 the vehicle and capable of meeting the performance specifications under s. 347.36.
3 There shall be 2 separate means of applying the brakes, each of which means shall
4 be effective to apply the brakes to at least 2 wheels. This subsection applies to snow
5 removal devices.

6 **SECTION 20.** 347.39 (1m) of the statutes is created to read:

7 347.39 (1m) No person may operate upon a highway a snow removal device
8 that emits noise exceeding 96 decibels on the A scale as measured in the manner
9 prescribed under rules promulgated by the department of natural resources under
10 s. 23.33 (6m).

11 **SECTION 21.** 347.40 (1) of the statutes is amended to read:

12 347.40 (1) No person shall ~~may~~ operate any motor vehicle, including a snow
13 removal device, upon a highway unless ~~such~~ the vehicle is equipped with a mirror
14 ~~so~~ located as to reflect to the operator a view of the roadway for a distance of 200 feet
15 to the rear of ~~such~~ the vehicle.

16 (END)

Date

LRB-1726/3dn
mGG:kjf

I added a reference to the shoulder of
a roadway in s. 346.94 (21) as well as
s. 23.33 (4)(f).

MGR

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1726/3dn
MGG:kjf:rs

July 10, 2009

I added a reference to the shoulder of a roadway in s. 346.94 (21) as well as s. 23.33 (4) (f).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Mueller, Eric

From: Mueller, Eric
Sent: Friday, July 31, 2009 2:34 PM
To: Novak, Elizabeth
Subject: RE: BILL DRAFT

Liz,

I think at least some of Mr. Eddy's concerns are warranted. While I'm not sure that a truck that is otherwise legal to drive on a highway would be precluded from doing so by this draft, many of the other requirements would probably need to be met. That is, a truck that qualifies as a "snow removal device" would very likely have to meet the equipment and operation-limitation requirements of this draft.

this only per phone conversation
 Maybe we need to clarify the scope of this provision. Is your intent mainly to allow vehicles that normally wouldn't be operated on a highway to do so for snow removal purposes? If so, we can alter the definition of snow removal devices to exclude vehicles that are registered by the Department of Transportation. If we do this, the excluded vehicles would not be required to abide by the equipment and operation-limitation requirements of this draft. However, these vehicles are already regulated under the registration and equipment chapters, so this may not be a problem for you.

If, however, you want to regulate all vehicles, currently registered or not, that are acting as snow removal devices, you will need to decide which provisions of the draft should apply to these vehicles. To do this, we can leave the definition of snow removal devices as is, but add additional limitations to the various provisions regarding equipment and operation. Let me know what you decide or if you have any additional questions.

Eric

From: Novak, Elizabeth
Sent: Thursday, July 30, 2009 12:45 PM
To: Gibson-Glass, Mary; Mueller, Eric
Subject: FW: BILL DRAFT

Eric and Mary:

I wanted to forward on these comments about the ATV snowplow draft (LRB 1726/3). I know that Mary and I had talked about getting language in the bill about the yellow flashing light so that its visible from all directions.

I haven't talked to either of you about this and I wonder if, as Gary suggests below, the language (as is) would require all other motor vehicles (other than municipally owned plow trucks) to be included in the operation conditions and lighting requirements as a person with a plow attached to an ATV would?

Thanks again, for all your help!

-Liz

Elizabeth Novak
 Office of Senator Jim Holperin
 State Capitol, 409 South
 (608)266-2509

From: Eddy, Gary D - DNR [mailto:Gary.Eddy@Wisconsin.gov]
Sent: Thursday, July 30, 2009 12:24 PM

7/31/2009

To: Novak, Elizabeth; Bruce Mommaerts; Harden, Randy
Subject: RE: BILL DRAFT

Hi Liz,
Thanks for the latest draft. Sorry I didn't get back to you sooner, I was stricken with the dreaded H1N1 virus.
Yes, it's as bad as they say.

On the ATV side of things, this looks really good. The only addition I would make is to require the yellow light be visible for 360 degree. This is highly needed from a safety standpoint.

On the motor vehicle side, I believe there is some language that would cause substantial opposition from snow removal businesses and the average citizen that owns a truck with a snowplow. The definition of a snow removal device in 340.01(58m) only exempts municipal plow trucks as defined in 346.915, so all other motor vehicles with a plow attached are included. If I'm interpreting this correctly, this would mean that a pickup truck with a snowplow attached could only legally operate on a roadway between October 1 - April 1; they would be required to have a flashing yellow light per 347.25(6) and would be required to operate at the far right of the road per 346.94(21)(b). If this was not intended, I would suggest adding further exemptions in 340.01(58m) to exempt all registered motor vehicles.

Thanks again for the opportunity to comment,

Gary

Gary Eddy

ATV/Snowmobile Administrator
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(☎) phone: (608) 267-7455
(☎) fax: (608) 266-3696
(✉) e-mail: gary.eddy@wisconsin.gov

From: Novak, Elizabeth [mailto:Elizabeth.Novak@legis.wisconsin.gov]
Sent: Monday, July 13, 2009 1:56 PM
To: Bruce Mommaerts; Harden, Randy; Eddy, Gary D - DNR
Subject: FW: BILL DRAFT

See attached for the latest draft of the ATV snowplow bill.

Thanks!

Liz

Elizabeth Novak
Office of State Senator Jim Holperin
State Capitol, 409 South
(608)266-2509

From: Meinholz, Susan
Sent: Monday, July 13, 2009 1:01 PM

7/31/2009

To: Novak, Elizabeth
Subject: BILL DRAFT

7/31/2009

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

- wants rotating light to be mounted on roof or a pole or something



State of Wisconsin
2009 - 2010 LEGISLATURE

14
LRB-1726/3

MGG&EVM:kjfrs

stays RMR

2009 BILL

In 7/22/09

In 7/31/09

Soon

Regen

- 1 AN ACT to amend 23.33 (5) (a), 23.33 (8) (e), 285.30 (5) (c), 346.94 (1), 346.95 (8),
2 347.09 (1) (b), 347.13 (1), 347.14 (1), 347.35 (1) and 347.40 (1); and to create
3 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr), 23.33 (4) (f), 285.30 (5) (L), 340.01
4 (58m), 346.02 (13), 346.94 (21), 347.02 (1) (j), 347.25 (6) and 347.39 (1m) of the
5 statutes; relating to: operation of all-terrain vehicles to remove snow and the
6 operation of snow removal devices on roadways and providing a penalty. highways

Analysis by the Legislative Reference Bureau

This bill allows the operation of a snow removal device on a roadway or shoulder during the period beginning on October 1 and ending on April 30 of each year for purposes of snow removal or to travel to or from a site where snow removal will occur or has occurred, provided that the device is operated as close as practicable to the right-hand edge or curb of the unobstructed roadway. "Snow removal device" is defined to mean a motor vehicle equipped with an attachment designed and installed for the purpose of removing snow and having a seat for the operator. A qualifying attachment may be a plow blade, blower, bucket, or brush. The definition of "snow removal device" does not include snowplows operated by highway maintenance authorities. Snow removal devices operated upon a highway must be equipped with at least one headlamp, a red rear light, a brake light, brakes, a 360-degree flashing or rotating amber or yellow light visible from any direction, and a sufficient muffler.

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways only in limited circumstances. These include roadways that

or any motor vehicle registered with the Department of Transportation

mounted at the highest practicable point and that is

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have been designated as ATV routes or trails and roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, shoulder, or sidewalk from October 1 through April 30 for the purpose of removing snow if the ATV has certain lighting equipment and if operation on the roadway or sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes speed limits on the ATV's operation depending on its proximity to a dwelling and whether it is on a sidewalk, driveway, or roadway.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 23.33 (1) (jq) of the statutes is created to read:

2 23.33 (1) (jq) "Snow removal device" means an attachment designed and
3 installed for the purpose of removing snow. An attachment under this paragraph
4 may be a plow blade, blower, bucket, or brush.

✓
5 **SECTION 2.** 23.33 (3) (hg) of the statutes is created to read:

6 23.33 (3) (hg) At a speed exceeding 15 miles an hour when it has a snow removal
7 device attached and when it is more than 150 feet of a dwelling or on the driveway
8 of property owned or leased by the owner of the all-terrain vehicle.

✓
9 **SECTION 3.** 23.33 (3) (hr) of the statutes is created to read:

10 23.33 (3) (hr) At a speed exceeding 5 miles an hour when it has a snow removal
11 device attached, regardless of its proximity to a dwelling, if it is being operated on
12 a sidewalk, on an apron, or on a driveway of property not owned or leased by the
13 owner of the all-terrain vehicle.

✓
14 **SECTION 4.** 23.33 (4) (f) of the statutes is created to read:

BILL

1 23.33 (4) (f) *Operation with snow removal device attached.* A person may
2 operate an all-terrain vehicle with a snow removal device attached on a roadway, a
3 shoulder of a roadway or a sidewalk, during the period beginning on October 1 and
4 ending on April 30 of each year for the purpose of removing snow if the all-terrain
5 vehicle has an illuminated amber or yellow rotating or flashing light and if its
6 operation on the roadway or shoulder is necessary to travel to or from a site where
7 the snow removal device will be used. The travel necessary to or from the site may
8 not exceed 2 miles. Operation on a roadway of such an all-terrain vehicle is
9 authorized only for the extreme right side of the roadway except that left turns may
10 be made from any part of the roadway where it is safe to do so given prevailing
11 conditions.

12 **SECTION 5.** 23.33 (5) (a) of the statutes is amended to read:

13 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
14 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
15 agricultural purpose and he or she is under the supervision of a person over 18 years
16 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
17 vehicle trail designated by the department and he or she is accompanied by his or her
18 parent. No person who is under 12 years of age may operate an all-terrain vehicle
19 which is an implement of husbandry on a roadway under any circumstances. No
20 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
21 under the authorization provided under sub. (4) (d) 6. or (f) under any circumstances.
22 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
23 purposes of this paragraph, supervision does not require that the person under 12
24 years of age be subject to continuous direction or control by the person over 18 years
25 of age.

highway
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or rotating

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SECTION 6

1 **SECTION 6.** 23.33 (8) (e) of the statutes is amended to read:

2 23.33 (8) (e) *Signs.* The department, in cooperation with the department of
3 transportation, shall establish uniform all-terrain vehicle route and trail signs and
4 standards. The standards may not require that any additional signs be placed on
5 all-terrain vehicle routes concerning the operation of all-terrain vehicles with
6 snowplows attached.

7 **SECTION 7.** 285.30 (5) (c) of the statutes is amended to read:

8 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
9 that a motor vehicle owned by the United States is not exempt unless it comes under
10 par. (a), (b), (d), (e), (f), (g), (h), (j), ~~or (k)~~, or (L).

11 **SECTION 8.** 285.30 (5) (L) of the statutes is created to read:

12 285.30 (5) (L) A snow removal device, as defined in s. 340.01 (58m).

13 **SECTION 9.** 340.01 (58m) of the statutes is created to read:

14 340.01 (58m) "Snow removal device" means a motor vehicle, other than an
15 all-terrain vehicle, that is equipped with an attachment designed and installed for
16 the purpose of removing snow and having a seat for the operator. An attachment
17 under this subsection may be a plow blade, blower, bucket, or brush. Snow removal
18 device does not include a snowplow, as defined in s. 346.915 (1), ^{or any motor vehicle registered with the department}

19 **SECTION 10.** 346.02 (13) of the statutes is created to read:

20 346.02 (13) **APPLICABILITY TO SNOW REMOVAL DEVICES.** The operator of a snow
21 removal device on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),
22 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
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24 346.57, 346.62, 346.63, 346.67, 346.68, 346.69, 346.70, 346.71, 346.87, 346.88,

BILL

346.89, 346.90, 346.91, 346.915, 346.92, 346.93, 346.935, and 346.94 (1), (9), (11), and (20).

SECTION 11. 346.94 (1) of the statutes is amended to read:

346.94 (1) DRIVING ON SIDEWALK. The Except as provided in s. 23.33 (4) (f) or when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the operator of a vehicle shall not drive upon any sidewalk area except at a permanent or temporarily established driveway unless permitted to do so by the local authorities.

SECTION 12. 346.94 (21) of the statutes is created to read:

346.94 (21) SNOW REMOVAL DEVICES ON ROADWAY. (a) A person may operate a snow removal device upon any roadway or shoulder of a ~~roadway~~ ^{highway} during the period beginning on October 1 and ending on April 30 of each year if the device is being used for snow removal operations or to travel to or from a site where snow removal operations will occur or have occurred.

(b) Any person operating a snow removal device upon any roadway shall operate as close as practicable to the right-hand edge or curb of the unobstructed roadway.

SECTION 13. 346.95 (8) of the statutes is amended to read:

346.95 (8) Any person violating s. 346.94 (19) or (21) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 14. 347.02 (1) (j) of the statutes is created to read:

347.02 (1) (j) Snow removal devices.

SECTION 15. 347.09 (1) (b) of the statutes is amended to read:

347.09 (1) (b) Every moped ~~or~~ Type 1 motorcycle, or snow removal device shall be equipped with at least one and not more than 2 visible headlamps, which

BILL**SECTION 15**

1 headlamps shall comply with the requirements and limitations set forth in sub. (2)
2 and s. 347.10.

3 **SECTION 16.** 347.13 (1) of the statutes is amended to read:

4 347.13 (1) No person shall may operate a motor vehicle, mobile home ~~or~~, trailer
5 or semitrailer, or snow removal device upon a highway during hours of darkness
6 unless ~~such~~ the motor vehicle, mobile home ~~or~~, trailer or semitrailer, or snow removal
7 device is equipped with at least one tail lamp mounted on the rear which, when
8 lighted during hours of darkness, emits a red light plainly visible from a distance of
9 500 feet to the rear. No tail lamp shall may have any type of decorative covering that
10 restricts the amount of light emitted when the tail lamp is in use. No vehicle
11 originally equipped at the time of manufacture and sale with 2 tail lamps shall may
12 be operated upon a highway during hours of darkness unless both ~~such~~ lamps are in
13 good working order. This subsection does not apply to any type of decorative covering
14 originally equipped on the vehicle at the time of manufacture and sale.

15 **SECTION 17.** 347.14 (1) of the statutes is amended to read:

16 347.14 (1) No person shall may operate a motor vehicle, mobile home ~~or~~, trailer
17 or semitrailer, or snow removal device upon a highway unless ~~such~~ the motor vehicle,
18 mobile home ~~or~~, trailer or semitrailer, or snow removal device is equipped with at
19 least one stop lamp mounted on the rear and meeting the specifications set forth in
20 this section. The stop lamp on a mobile home or trailer or semitrailer shall be
21 controlled and operated from the driver's seat of the propelling vehicle. A stop lamp
22 may be incorporated with a tail lamp. No vehicle originally equipped at the time of
23 manufacture and sale with 2 stop lamps shall may be operated upon a highway
24 unless both ~~such~~ lamps are in good working order.

25 **SECTION 18.** 347.25 (6) of the statutes is created to read:

BILL

1 347.25 (6) No person may operate a snow removal device on a highway unless
2 the device is equipped with a 360-degree flashing or rotating amber or yellow light
3 that is visible from any direction.

mounted at the highest
practicable point and

4 SECTION 19. 347.35 (1) of the statutes is amended to read:

5 347.35 (1) MOTOR VEHICLES. No person shall may operate any motor vehicle,
6 other than a moped or motorcycle, upon a highway unless ~~such~~ the motor vehicle is
7 equipped with brakes adequate to control the movement of and to stop and hold ~~such~~
8 the vehicle and capable of meeting the performance specifications under s. 347.36.
9 There shall be 2 separate means of applying the brakes, each of which means shall
10 be effective to apply the brakes to at least 2 wheels. This subsection applies to snow
11 removal devices.

12 SECTION 20. 347.39 (1m) of the statutes is created to read:

13 347.39 (1m) No person may operate upon a highway a snow removal device
14 that emits noise exceeding 96 decibels on the A scale as measured in the manner
15 prescribed under rules promulgated by the department of natural resources under
16 s. 23.33 (6m).

17 SECTION 21. 347.40 (1) of the statutes is amended to read:

18 347.40 (1) No person shall may operate any motor vehicle, including a snow
19 removal device, upon a highway unless ~~such~~ the vehicle is equipped with a mirror
20 so located as to reflect to the operator a view of the roadway for a distance of 200 feet
21 to the rear of ~~such~~ the vehicle.

22 (END)

Gibson-Glass, Mary

From: Novak, Elizabeth
Sent: Wednesday, September 09, 2009 3:24 PM
To: Mueller, Eric; Gibson-Glass, Mary
Subject: ATV Snowplow Bill (LRB 1726/4)

Eric and Mary:

I think this is my last request for changes to this draft before introduction.....(I hope!)

LRB 1726/4- the ATV snowplow bill

Below are some modification requests I received from the DNR:

The only concern I have is on page one where 23.33 (3) (hg) sets a speed limit of 15 miles an hours for an ATV when it is more than 150 feet of a dwelling OR on the driveway of property owned or leased by the owner of the ATV. This would make it a violation for a property owner to exceed 15 miles an hour anywhere on their own property if it's farther than 150 feet from their dwelling and also on their own driveway. I think this places an unwanted restriction on property owners operating on their own land and also creates an unenforceable provision for law enforcement.

hmm

I believe the intent here was to restrict the ATV's speed once it was on the roadway and mixing with motor vehicle traffic. This can be accomplished through inserting language into 23.33 (4) (f) similar to "...the all-terrain vehicle's speed shall not exceed 15 miles per hour".

Lastly, in 23.33 (3) (hr) change "5 miles *an* hour" to "5 miles *per* hour".

Can we make these modifications, and does this seem feasible?

Thanks again for all your help.

Liz

Elizabeth Novak
Office of State Senator Jim Holperin
(608)266-2509

dwelling

your own property
public thoroughfare
other' property

Wed.
Gary Eddy:
7-7455

10/6 for 15

take out non ATV stuff / apion/ownership concept

speed limits w/ snow removal device
private

> 150 ft from dwelling → none

< 150 ft " " → 10 mph

sidewalks + driveways → 5 mph

public

> 150 ft from dwelling → 15 mph

< 150 " " " 10 mph

sidewalks + driveways → 5 mph

BILL

1 23.33 (4) (f) *Operation with snow removal device attached.* A person may
2 operate an all-terrain vehicle with a snow removal device attached on a roadway, a
3 shoulder of a highway, or a sidewalk, during the period beginning on October 1 and
4 ending on April 30 of each year for the purpose of removing snow if the all-terrain
5 vehicle has a 360-degree flashing or rotating amber or yellow light mounted ^{and "acti-} at the ^{vald"}
6 highest practicable point and that is visible from any direction, and if its operation ^{or turn} "on"
7 on the roadway or shoulder is necessary to travel to or from a site where the snow
8 removal device will be used. The travel necessary to or from the site may not exceed
9 2 miles. Operation on a roadway of such an all-terrain vehicle is authorized only for
10 the extreme right side of the roadway except that left turns may be made from any
11 part of the roadway where it is safe to do so given prevailing conditions.

12 **SECTION 5.** 23.33 (5) (a) of the statutes is amended to read:

13 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
14 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
15 agricultural purpose and he or she is under the supervision of a person over 18 years
16 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
17 vehicle trail designated by the department and he or she is accompanied by his or her
18 parent. No person who is under 12 years of age may operate an all-terrain vehicle
19 which is an implement of husbandry on a roadway under any circumstances. No
20 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
21 under the authorization provided under sub. (4) (d) 6. or (f) under any circumstances.
22 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
23 purposes of this paragraph, supervision does not require that the person under 12
24 years of age be subject to continuous direction or control by the person over 18 years
25 of age.

BILL

346.89, 346.90, 346.91, 346.915, 346.92, 346.93, 346.935, and 346.94 (1), (9), (11), and (20).

SECTION 11. 346.94 (1) of the statutes is amended to read:

remains
346.94 (1) DRIVING ON SIDEWALK. The Except as provided in s. 23.33 (4) (f) or when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the operator of a vehicle shall not drive upon any sidewalk area except at a permanent or temporarily established driveway unless permitted to do so by the local authorities.

SECTION 12. 346.94 (21) of the statutes is created to read:

346.94 (21) SNOW REMOVAL DEVICES ON ROADWAY. (a) A person may operate a snow removal device upon any roadway or shoulder of a highway during the period beginning on October 1 and ending on April 30 of each year if the device is being used for snow removal operations or to travel to or from a site where snow removal operations will occur or have occurred.

(b) Any person operating a snow removal device upon any roadway shall operate as close as practicable to the right-hand edge or curb of the unobstructed roadway.

SECTION 13. 346.95 (8) of the statutes is amended to read:

346.95 (8) Any person violating s. 346.94 (19) or (21) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 14. 347.02 (1) (j) of the statutes is created to read:

347.02 (1) (j) Snow removal devices.

SECTION 15. 347.09 (1) (b) of the statutes is amended to read:

347.09 (1) (b) Every moped ~~or~~, Type 1 motorcycle, or snow removal device shall be equipped with at least one and not more than 2 visible headlamps, which

Gibson-Glass, Mary

From: Randy Harden [randy.harden@nohvis.com]
Sent: Monday, October 05, 2009 4:13 PM
To: Novak, Elizabeth; Eddy, Gary D - DNR; Bruce Mommaerts; Gibson-Glass, Mary; Mueller, Eric
Subject: RE: ATV Snowplow Draft

Hi Liz:

My direct phone number will be (920) 694-1881.

Thanks, talk to you then.

Randy Harden

WATVA / NOHVIS
3321 Behrens Parkway
Sheboygan, WI 53081
1-888-470-3966
Direct Line 920-694-1881
Fax 920-694-0584

Wisconsin All-Terrain Vehicle Association Inc.
<http://www.watva.org>

OHV Non-Profit 501-C4 NOHVIS Group. Inc.
<http://www.nohvis.com>

From: Novak, Elizabeth [mailto:Elizabeth.Novak@legis.wisconsin.gov]
Sent: Thursday, October 01, 2009 3:24 PM
To: Randy Harden; Eddy, Gary D - DNR; Bruce Mommaerts; Gibson-Glass, Mary; Mueller, Eric
Subject: RE: ATV Snowplow Draft

Here's the date for the meeting/call:

Tuesday, October 6th, at 3 pm.

Gary, Mary, Eric, and I will meet at One East Main (2nd Floor) or the LRB office.

We will call Randy and Bruce. Can you two please send me the phone number to call you on?

It will probably be helpful to have a copy of the latest draft in front of you, see attached.

If this date/time no longer fits your schedule, please let me know!

Thanks

Liz

From: Novak, Elizabeth
Sent: Thursday, October 01, 2009 11:30 AM

10/6/2009

To: 'Randy Harden'; Eddy, Gary D - DNR; 'Bruce Mommaerts'; Gibson-Glass, Mary
Subject: ATV Snowplow Draft

I've spoke with some of you about doing a conference call/meeting about our ATV Snowplow bill.

For those that I have not, we're still working on the ATV snowplow draft. We've had some difficulties with the language in the bill- and as you know-we've gone through a couple versions.

Our drafter (Mary) thought it might be a good idea to talk with interested parties to get back to the basics of the bill, and figure out what we're looking for.

Is it possible to arrange a conference? I think Mary and I, possibly Gary (DNR), could get together and then call Randy (ATV) and Bruce (Oconto County)? (A bit of a drive for Bruce and Randy.....and it probably isn't worth coming all the way down for)

Hopefully this can help finalize the draft and get it ready for introduction before fall is over.

So let me know best days and times you can be reached. Can we try for an afternoon call, sometime next week?

Thanks

Liz

Elizabeth Novak
Office of Senator Jim Holperin
State Capitol, 409 South
(608)266-2509

10/6/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

RMR
5

LRB-1726/4

MGG&EVM:kjf:ph

stays

Fu

D-N

2009 BILL

Regen

.

1 AN ACT *to amend* 23.33 (5) (a), 23.33 (8) (e), 285.30 (5) (c), 346.94 (1), 346.95 (8),
2 347.09 (1) (b), 347.13 (1), 347.14 (1), 347.35 (1) and 347.40 (1); and *to create*
3 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr), 23.33 (4) (f), 285.30 (5) (L), 340.01
4 (58m), 346.02 (13), 346.94 (21), 347.02 (1) (j), 347.25 (6) and 347.39 (1m) of the
5 statutes; **relating to:** operation of all-terrain vehicles to remove snow and the
6 ~~operation of snow removal devices on highways and providing a penalty~~

Analysis by the Legislative Reference Bureau

This bill allows the operation of a snow removal device on a roadway or shoulder during the period beginning on October 1 and ending on April 30 of each year for purposes of snow removal or to travel to or from a site where snow removal will occur or has occurred, provided that the device is operated as close as practicable to the right-hand edge or curb of the unobstructed roadway. "Snow removal device" is defined to mean a motor vehicle equipped with an attachment designed and installed for the purpose of removing snow and having a seat for the operator. A qualifying attachment may be a plow blade, blower, bucket, or brush. The definition of "snow removal device" does not include snowplows operated by highway maintenance authorities or any motor vehicle registered with the Department of Transportation. Snow removal devices operated upon a highway must be equipped with at least one headlamp, a red rear light, a brake light, brakes, a 360-degree flashing or rotating amber or yellow light mounted at the highest practicable point and that is visible from any direction, and a sufficient muffler.

BILL

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways only in limited circumstances. These include roadways that have been designated as ATV routes ~~on trails and~~ roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, shoulder, or sidewalk from October 1 through April 30 for the purpose of removing snow if the ATV has certain lighting equipment and if operation on the roadway or sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes speed limits on the ATV's operation ~~depending on its proximity to a dwelling and whether it is on a sidewalk, driveway, or roadway.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (1) (jq) of the statutes is created to read:

23.33 (1) (jq) "Snow removal device" means an attachment designed and installed for the purpose of removing snow. An attachment under this paragraph may be a plow blade, blower, bucket, or brush.

SECTION 2. 23.33 (3) (hg) of the statutes is created to read:

23.33 (3) (hg) At a speed exceeding 15 miles ^{per hour} when it has a snow removal device attached ~~and when it is more than 150 feet of a dwelling or on the driveway of property owned or leased by the owner of the all-terrain vehicle.~~

SECTION 3. 23.33 (3) (hr) of the statutes is created to read:

23.33 (3) (hr) At a speed exceeding 5 miles ^{per hour} when it has a snow removal device attached, regardless of its proximity to a dwelling, ~~if it is being operated on a sidewalk, on a driveway, or on a driveway of property not owned or leased by the owner of the all-terrain vehicle.~~

SECTION 4. 23.33 (4) (f) of the statutes is created to read:

it is being operated on a sidewalk or driveway with

BILL

SECTION 4

*or on a public sidewalk**except as prohibited in par. (a)*

1 23.33 (4) (f) *Operation with snow removal device attached.* A person may ^{or one}
 2 operate an all-terrain vehicle with a snow removal device attached on a roadway ^{for}
 3 ~~shoulder of a highway or a sidewalk~~ ^{put in} during the period beginning on October 1 and
 4 ending on April 30 of each year for the purpose of ~~removing~~ snow if the all-terrain
 5 vehicle has a 360-degree flashing or rotating amber or yellow light mounted at the
 6 highest practicable point and that is ^{activated and} visible from any direction, and if its ^{such} operation
 7 ~~on the roadway or shoulder~~ ^{is necessary to travel to or from a site where the snow}
 8 removal device will be used. The travel necessary to or from the site may not exceed
 9 2 miles. Operation on a roadway of such an all-terrain vehicle is authorized only for
 10 the extreme right side of the roadway except that left turns may be made from any
 11 part of the roadway where it is safe to do so given prevailing conditions. *INS 3-10*

12 SECTION 5. 23.33 (5) (a) of the statutes is amended to read:

13 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
 14 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
 15 agricultural purpose and he or she is under the supervision of a person over 18 years
 16 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
 17 vehicle trail designated by the department and he or she is accompanied by his or her
 18 parent. No person who is under 12 years of age may operate an all-terrain vehicle
 19 which is an implement of husbandry on a roadway under any circumstances. No
 20 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
 21 under the authorization provided under sub. (4) (d) 6. ~~any~~

22 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
 23 purposes of this paragraph, supervision does not require that the person under 12
 24 years of age be subject to continuous direction or control by the person over 18 years
 25 of age.

INS 3-22

BILL

SECTION 6

1 **SECTION 6.** 23.33 (8) (e) of the statutes is amended to read:

2 23.33 **(8)** (e) *Signs.* The department, in cooperation with the department of
3 transportation, shall establish uniform all-terrain vehicle route and trail signs and
4 standards. The standards may not require that any additional signs be placed on
5 all-terrain vehicle routes concerning the operation of all-terrain vehicles with
6 snowplows attached. snow removal devices

7 **SECTION 7.** 285.30 (5) (c) of the statutes is amended to read:

8 285.30 **(5)** (c) A motor vehicle exempt from registration under s. 341.05, except
9 that a motor vehicle owned by the United States is not exempt unless it comes under
10 par. (a), (b), (d), (e), (f), (g), (h), (j), or (k), or (L).

11 **SECTION 8.** 285.30 (5) (L) of the statutes is created to read:

12 285.30 **(5)** (L) A snow removal device, as defined in s. 340.01 (58m).

13 **SECTION 9.** 340.01 (58m) of the statutes is created to read:

14 340.01 **(58m)** "Snow removal device" means a motor vehicle, other than an
15 all-terrain vehicle, that is equipped with an attachment designed and installed for
16 the purpose of removing snow and having a seat for the operator. An attachment
17 under this subsection may be a plow blade, blower, bucket, or brush. Snow removal
18 device does not include a snowplow, as defined in s. 346.915 (1), or any motor vehicle
19 registered with the department.

20 **SECTION 10.** 346.02 (13) of the statutes is created to read:

21 346.02 **(13)** **APPLICABILITY TO SNOW REMOVAL DEVICES.** The operator of a snow
22 removal device on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),
23 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
24 346.40, 346.44, 346.46, 346.47, 346.48, 346.51, 346.52, 346.53, 346.54, 346.55,
25 346.57, 346.62, 346.63, 346.67, 346.68, 346.69, 346.70, 346.71, 346.87, 346.88,

BILL

1 ~~346.89, 346.90, 346.91, 346.915, 346.92, 346.93, 346.935, and 346.94 (1), (9), (11), and~~
2 ~~(20).~~

3 ~~SECTION 11. 346.94 (1) of the statutes is amended to read:~~ *authorized*

4 ☐ 346.94 (1) DRIVING ON SIDEWALK. The ~~Except as provided in s. 23.33 (4) (f) or~~
5 ~~when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the~~
6 operator of a vehicle shall not drive upon any sidewalk area except at a permanent
7 or temporarily established driveway unless permitted to do so by the local
8 authorities.

9 SECTION 12. 346.94 (21) of the statutes is created to read:

10 346.94 (21) SNOW REMOVAL DEVICES ON ROADWAY. (a) A person may operate a
11 snow removal device upon any roadway or shoulder of a highway during the period
12 beginning on October 1 and ending on April 30 of each year if the device is being used
13 for snow removal operations or to travel to or from a site where snow removal
14 operations will occur or have occurred.

15 (b) Any person operating a snow removal device upon any roadway shall
16 operate as close as practicable to the right-hand edge or curb of the unobstructed
17 roadway.

18 SECTION 13. 346.95 (8) of the statutes is amended to read:

19 346.95 (8) Any person violating s. 346.94 (19) or (21) may be required to forfeit
20 not less than \$30 nor more than \$300.

21 SECTION 14. 347.02 (1) (j) of the statutes is created to read:

22 347.02 (1) (j) Snow removal devices.

23 SECTION 15. 347.09 (1) (b) of the statutes is amended to read:

24 347.09 (1) (b) Every moped ~~or~~ Type 1 motorcycle, or snow removal device shall
25 be equipped with at least one and not more than 2 visible headlamps, which

BILL**SECTION 15**

1 headlamps shall comply with the requirements and limitations set forth in sub. (2)
2 and s. 347.10.

3 **SECTION 16.** 347.13 (1) of the statutes is amended to read:

4 347.13 (1) No person shall ~~may~~ operate a motor vehicle, mobile home or, trailer
5 or semitrailer, or snow removal device upon a highway during hours of darkness
6 unless ~~such the~~ motor vehicle, mobile home or, trailer or semitrailer, or snow removal
7 device is equipped with at least one tail lamp mounted on the rear which, when
8 lighted during hours of darkness, emits a red light plainly visible from a distance of
9 500 feet to the rear. No tail lamp shall ~~may~~ have any type of decorative covering that
10 restricts the amount of light emitted when the tail lamp is in use. No vehicle
11 originally equipped at the time of manufacture and sale with 2 tail lamps shall ~~may~~
12 be operated upon a highway during hours of darkness unless both ~~such~~ lamps are in
13 good working order. This subsection does not apply to any type of decorative covering
14 originally equipped on the vehicle at the time of manufacture and sale.

15 **SECTION 17.** 347.14 (1) of the statutes is amended to read:

16 347.14 (1) No person shall ~~may~~ operate a motor vehicle, mobile home or, trailer
17 or semitrailer, or snow removal device upon a highway unless ~~such the~~ motor vehicle,
18 mobile home or, trailer or semitrailer, or snow removal device is equipped with at
19 least one stop lamp mounted on the rear and meeting the specifications set forth in
20 this section. The stop lamp on a mobile home or trailer or semitrailer shall be
21 controlled and operated from the driver's seat of the propelling vehicle. A stop lamp
22 may be incorporated with a tail lamp. No vehicle originally equipped at the time of
23 manufacture and sale with 2 stop lamps shall ~~may~~ be operated upon a highway
24 unless both ~~such~~ lamps are in good working order.

25 **SECTION 18.** 347.25 (6) of the statutes is created to read:

BILL

347.25 (6) No person may operate a snow removal device on a highway unless the device is equipped with a 360-degree flashing or rotating amber or yellow light mounted at the highest practicable point and that is visible from any direction.

SECTION 19. 347.35 (1) of the statutes is amended to read:

347.36 (1) MOTOR VEHICLES. No person shall may operate any motor vehicle, other than a moped or motorcycle, upon a highway unless such the motor vehicle is equipped with brakes adequate to control the movement of and to stop and hold such the vehicle and capable of meeting the performance specifications under s. 347.36. There shall be 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least 2 wheels. This subsection applies to snow removal devices.

SECTION 20. 347.39 (1m) of the statutes is created to read:

347.39 (1m) No person may operate upon a highway a snow removal device that emits noise exceeding 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the department of natural resources under s. 23.33 (6m).

SECTION 21. 347.40 (1) of the statutes is amended to read:

347.40 (1) No person ~~shall~~ may operate any motor vehicle, including a snow removal device, upon a highway unless ~~such~~ the vehicle is equipped with a mirror ~~so located as to reflect to the operator a view of the roadway for a distance of 200 feet to the rear of such~~ the vehicle.)

(END)

D-Note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1726/5ins
MGG:.....

Insert ANL

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways and areas adjacent to roadways only in limited circumstances. These include roadways or sidewalks that have been designated as ATV routes or trails or roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

X Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, *X* adjacent to a roadway, or on a public sidewalk from October 1 through April 30 for the purpose of traveling to a site to remove snow regardless *X* of whether the area to be traveled is an ATV route or trail if the ATV has certain lighting equipment and if operation on the roadway or the sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes specific speed limits on operation of an ATV with a snow removal device *X* depending on its proximity to a dwelling and whether it is being operated on a roadway or an area adjacent to the roadway as opposed to a sidewalk *X* or.

Insert 2-13

SECTION 1. 23.33 (4) (b) [✓] of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle on a highway except as authorized under pars. (d) and, (e), and [✓] (f) or as authorized by rules promulgated by the department and approved by the department of transportation.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209.

Insert 3-10

no # Operation adjacent to a roadway of such an all-terrain vehicle shall comply with the applicable speed limit and with par. (e) 1., 2., ^① 3., ^② and 5.

Insert 3-22

no # No person who is under 12 years of age may operate an all-terrain vehicle
no scoring under the authorization provided under sub. (4) (f) under any circumstances.
stays *see this paragraph*

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1726/5dn

MGG: *kgf*

Date

Liz:

ed

Based on my greater understanding of the situation to be addressed after our meeting, I found it necessary to make quite a few changes in the draft. Please review the analysis and the body of the bill carefully with the interested person to make sure it complies with your intent. If you want any changes, please call me to discuss them or authorize me to talk directly to the person having questions or suggesting changes. I find that live conversations on technical drafts such as this are much more efficient than e-mails.

X I changed "shoulder of a highway" to "adjacent to a roadway" because the term "shoulder" is not used anywhere in s. 23.33. "Adjacent to a roadway" conveys this concept in s. 23.33. ~~See that is the term used in s. 23.33.~~ See s. 23.33 (4) (e).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1726/5dn
MGG:kjf:jf

October 8, 2009

Liz:

Based on my greater understanding of the situation to be addressed after our meeting, I found it necessary to make quite a few changes in the draft. Please review the analysis and the body of the bill carefully with the interested person to make sure it complies with your intent. If you want any changes, please call me to discuss them or authorize me to talk directly to the person having questions or suggested changes. I find that live conversations on technical drafts such as this are much more efficient than e-mails.

I changed "shoulder of a highway" to "adjacent to a roadway" because the term "shoulder" is not used anywhere in s. 23.33. "Adjacent to a roadway" conveys this concept in s. 23.33. See s. 23.33 (4) (e).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Barman, Mike

From: Meinholz, Susan
Sent: Tuesday, October 27, 2009 5:04 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1726/5 Topic: Use of vehicles with snowplows on highways

Please Jacket LRB 09-1726/5 for the SENATE.